



— 38th Annual —

Intellectual Property Institute

Qualifies for 12.75
Hours of CLE includes
1.00 Legal Ethics

THE STATE BAR OF CALIFORNIA

November 7-9, 2013
The Claremont Resort & Spa
Berkeley

Hotel Deadline

October 11, 2013

Registration Deadline

November 2, 2013

Register Online

<http://ipsection.calbar.ca.gov>





Intellectual Property Institute

THE STATE BAR OF CALIFORNIA



Welcome back to school, to the 38th Annual IP Institute, held this year at the historic Claremont Hotel, in the hills above UC Berkeley, which so many of our section's lawyers attended. This year's Institute has a fascinating curriculum.

Not only are we offering our review courses on major IP topics, including how to start an IP-based business, but we are also featuring several programs that focus on IP issues in a university setting. This includes a panel on how the UC System exploits its substantial patent portfolio, and another exploring how the NCAA deals with its unique IP challenges.

Institute sessions will explore controversial IP questions, including a debate between Hollywood and Silicon Valley over the future of the entertainment industry. On topics ranging from copyright piracy to on-line privacy, you will learn from an impressive faculty of experts, including the chief operating officer of Electronic Arts Labels.

Of course it would not be a true back-to-school experience without beer. We will put the IP back in the IPA, focusing our attention on IP issues in the burgeoning craft beer industry. This session will be followed by local craft beer-tasting, free to all attendees.

This year's Institute also marks the fifth anniversary of the IP Section's Vanguard Awards. We will celebrate this year's winners in style with a Vanguard Awards dinner, overlooking beautiful San Francisco Bay.

Finally, football! Cap off your back-to-school celebration in true Pac-12 style by joining us for the Cal-USC game on Saturday afternoon.

Welcome back to school!

Andy Stroud
Chair, 2013 IP Institute

PROGRAMS AT A GLANCE

Thursday, November 7, 2013

Concurrent Sessions

Designed for both new and experienced practitioners, the sessions will address fundamentals of their topics as well as tips and best practices. These will be lively interactive sessions and very practical.

1:00 pm – 2:30 pm

Session I

Startups: Avoiding Common Pitfalls

Session II

Getting a Grip on Paperwork and Procedures in Post-AIA Practice

Session III

The Here and Now of Internet & Privacy Law

2:30 pm – 4:00 pm

Session I

Hot Topics in Trademark Law - A World Tour

Session II

Copyright Law: Recent Developments and New Frontiers

Session III

Trade Secrets of Trade Secrets

Interest Group Meetings

4:15 pm – 5:00 pm

Copyright
International
Licensing

Trade Secret
Entertainment & Sports

5:00 pm – 5:45 pm

Technology, Internet & Privacy
In-House Counsel

Litigation
Trademark
Patent

6:00 pm – 6:45 pm

The IP in IPA Program

6:45 pm – 8:00 pm

Craft Beer Tasting/ Reception

Friday, November 8, 2013

8:00 am

Breakfast

Opening Remarks with Andy Stroud,
Chair of Intellectual Property Law
Section

8:15 am – 9:30 am

General Session – North v.
South: A Look at the Future of the
Entertainment Industry in a World of
Bit-Torrents and Piracy

9:30 am – 10:30 am

The IP Section and the FTC Talk on
PP and TOU

Multijurisdictional Ethics:
Comparison of California and
new USPTO Rules of Professional
Responsibility

10:45 am – 11:45 pm

Show Me the Money!

Cybersecurity, the Computer Fraud
and Abuse Act, and Trade Secrets

12:00 pm – 1:30 pm

A Literary Lunch with author Sheldon
Siegel

1:45 pm – 3:00 pm

General Session – The World of
College Athletics and Their IP

3:15 pm – 4:15 pm

Copyrights or Copywrongs: Is the
Current System Working?

Universities in the Patent System

6:00 pm – 9:00 pm

Vanguard Awards Dinner

Saturday, November 9, 2013

8:00 am – 9:30 am

Breakfast with Bryan Neider, Senior
Vice President, Chief Operating
Officer, EA Label

9:45 am – 10:45 am

The Federal Circuit Year in Review

Leaving Nothing to Chance:
Contests and Sweepstakes in the
Age of Social Media

10:45 am – 12:00 pm

General Session – Privacy? Get over
it. Know who is Looking over Your
Shoulder and Why.

2013 IP Institute **IP VANGUARDS** A W A R D S

FRIDAY, NOVEMBER 8, 6-9 PM

The Executive Committee of the IP Section is pleased to honor outstanding legal professionals who are spearheading new developments in the world of intellectual property.

PRIVATE PRACTICE



I. Neel Chatterjee, Orrick
Herrington & Sutcliffe

IN-HOUSE COUNSEL



Lee Cheng,
Newegg

JUDICIARY



Honorable Lucy Koh,
U.S. District Judge
Northern District of
California

ACADEMIC OR PUBLIC POLICY



Neil W. Netanel,
UCLA School of Law

PROGRAM SCHEDULE

(Topics, speakers, and schedules are subject to change)

Thursday, November 7, 2013

10:00 am – 12:00 pm

Executive Committee Meeting

(open to the public)

11:00 am – 4:00 pm

Registration and Exhibits

1:00 pm – 2:30 pm Concurrent Sessions

[1] Startups: Avoiding Common Pitfalls

(1.50 Hours of CLE Credit)

For entrepreneurs and their counsel. Built a better mousetrap? How do you protect your IP and other assets? Come learn how to avoid the common legal mistakes entrepreneurs make when forming their companies, in this program featuring speakers from the IP and Business Law sections. What form of entity is best for you? How do you get started? How do you raise funds and still protect your equity? How do you make certain no one will steal your ideas? Learn about these issues and more from some top-notch counsel.

Speakers

Suzanne Graeser, Partner and Co-Chair Emerging Companies & Venture Capital Group, Morrison Foerster and Deborah Greaves, General Counsel, True Religion Apparel, Inc.

[2] Getting a Grip on Paperwork and Procedures in Post-AIA Practice

(1.50 Hours of CLE Credit)

A panel of private practitioners and a United States Patent and Trademark Office (USPTO) representative will share tips and insights on dealing with new provisions under the *America Invents Act* (AIA). Learn how to avoid problems with formal papers when filing a patent application. Gain insight into best practices for third party submissions of prior art. And prepare yourself for what to expect in the world of post-grant review.

Speakers

Janet Gongola, Patent Reform Coordinator, USPTO; Andy Piatnicia, Piatnicia Legal; and James Soong, Sheppard, Mullin, Richter & Hampton

[3] The Here and Now of Internet & Privacy Law

(1.50 Hours of CLE Credit)

The panel will present an overview of the current state of the law affecting the Internet and privacy, including the most recent changes to privacy laws. The panel will also explore changes to Internet operations, including the status of ICANN's Generic Top Level Domain program; the Commerce Department Internet Committee's report on Digital Copyrights; pending oral arguments on Net Neutrality; the 10th anniversary of the CAN-SPAM statute; and recent CAN-SPAM cases.

Speakers

Bennet Kelley, Internet Law Center and Hannah Poteat, Poteat Law

2:30 pm – 4:00 pm Concurrent Sessions

[4] Hot Topics in Trademark Law – A World Tour

(1.50 Hours of CLE Credit)

Panelists will discuss current hot topics in the global trademark practice: the changing landscape and trouble spots at the United States Patent and Trademark Office, rebranding of the TTAB's Accelerated Case Resolution system, international trademark squatting, changes in Madrid practice, and the rollout of gTLDs with the new Trademark Clearinghouse. Panelists Carole and Matt always present a lively and interactive session that is fun, informative, and sometimes controversial.

Speakers

Carole F. Barrett, Barrett IP Law and Matthew Powelson, 321 Law, Inc.

[5] Copyright Law – Recent Developments and New Frontiers

(1.50 Hours of CLE Credit)

Panelists will summarize the major copyright cases of 2013 and discuss ongoing Copyright Office efforts to modernize copyright law and practices, and innovations impacting the copyright world. They will provide the relevant copyright law basics, as well as practical tips and strategies from the trenches, to protect and police copyrights.

Speakers

Sophie Cohen, Partner, Cobalt LLP; Chris Lockard, Corporate Counsel, The Clorox Company and Cydney Tune, Partner, Pillsbury Winthrop Shaw Pittman LLP

[6] Trade Secrets of Trade Secrets

(1.50 Hours of CLE Credit)

The panel will address which information rises to the level of a trade secret, which conduct constitutes misappropriation, and the fundamentals of seeking injunctive relief in trade secret litigation. The panel will also focus on recent case law concerning what efforts are required to maintain trade secret status, how one shows use of trade secrets, and the increasing role of “threatened” misappropriation.

Speakers

Rebecca Edelson, Partner, Steptoe & Johnson LLP; Randy Kay, Partner, Jones Day and Jim McNairy, Partner, Seyfarth Shaw LLP

Interest Group Meetings

4:15 pm – 5:00 pm

Copyright
International
Licensing
Trade Secret
Entertainment & Sports

5:00 pm – 5:45 pm

Technology, Internet & Privacy
In-House Counsel
Litigation
Trademark
Patent

6:00 pm – 6:45 pm

Education/Welcome Reception (all registrants’ guests invited, must RSVP on the Ticketed Fee Form in order to attend)

6:00 pm – 6:45 pm

The IP in IPA Program

(.50 Hours of CLE Credit)

This is about beer. Learn about the key IP issues that affect the exploding craft beer industry. Tom McCormick is one of the industry’s most knowledgeable and thoughtful speakers. Warren Dranit assists breweries and others in the industry. This will be a perfect pairing for the craft beer tasting that follows this session.

Speakers

Warren L. Dranit, Partner, Spaulding McCullough & Tansil LLP and Tom McCormick, Executive Director, California Craft Brewers Association

6:45 pm – 8:00 pm

Craft Beer Tasting Reception

(Must RSVP on the Ticket Fee Form in order to attend)



Friday, November 8, 2013

7:00 am – 4:00 pm

Registration and Exhibits

8:00 am – 9:30 am

Breakfast

Opening Remarks by Andy Stroud, Chair
Intellectual Property Law Section

8:15 am – 9:30 am General Session
North v. South: A Look at the Future of the Entertainment Industry in a World of Bit-Torrents and Piracy

(1.25 Hours of CLE Credit)

This panel will examine whether the entertainment industry's demise at the hands of the North (Silicon Valley), as foretold by the South (Hollywood), is imminent. They will explore the conflict between content providers and pipeline providers. They will consider whether entertainment actually benefits from greater avenues of distribution, even piracy. They will also discuss whether a SOPA-like statute is actually necessary (or financially beneficial), and whether current piracy laws are sufficient.

Moderator

Elizabeth J. Rest, Hiaring + Smith, LLP

Speakers

Caleb Donaldson, Associate Copyright Counsel, Google Inc.; Corynne McSherry, Intellectual Property Director, Electronic Frontier Foundation; and Elizabeth Valentina, Vice President, Content Protection Litigation, Fox Entertainment Group

9:30 am – 10:30 am Concurrent Sessions

[7] The IP Section and the FTC Talk on PP and TOU

(1 Hour of CLE Credit)

It is tricky business advising clients how to comply with regulations governing privacy policies and terms of use. We have asked the FTC to address some of the latest issues to help you keep up with current standards.

Speakers

Yan Fang, Attorney, Federal Trade Commission; John Pavolotsky, Senior Attorney, Intel Corporation; and James C. Roberts III, CEO, Global Capital Strategic Group

[8] Multijurisdictional Ethics: Comparison of California and new USPTO Rules of Professional Responsibility

(1 Hour of CLE Ethics Credit)

California attorneys representing clients before the United States Patent and Trademark Office (USPTO) have obligations to follow both California and USPTO Rules of Professional Responsibility (RPR). Understanding and following both sets of rules can be challenging. We face unique

challenges from recent changes to the USPTO RPR, to the ABA Model Rules, and new proposals to change the California RPR. Paul Vapnek is an expert on the CA rules and Harry Moatz, as past Director of the OED, has been intimately involved in developing the new USPTO rules.

Speakers

Harry I. Moatz, Past Director, USPTO Office of Enrollment and Discipline and Paul W. Vapnek, Law Offices of Paul W. Vapnek

10:45 am – 11:45 am Concurrent Sessions

[9] Show Me the Money!

(1 Hour of CLE Credit)

Remedies are one half of the IP equation in disputes. It matters very little if a plaintiff wins on infringement but obtains insufficient relief. Yet even some seasoned litigators and clients give this important issue scant attention beforehand. This panel explores important, current issues in the realm of patent and trademark monetary remedies.

Speakers

Robert W. Payne, LaRiviere, Grubman & Payne, LLP and Edward G. Poplawski, Wilson Sonsini Goodrich & Rosati, P.C.

[10] Cybersecurity, the Computer Fraud and Abuse Act, and Trade Secrets

(1 Hour of CLE Credit)

Experts in the field will discuss trade secrets in the context of the often-controversial *Computer Fraud and Abuse Act*, recent trade secret and *Computer Fraud and Abuse Act* cases, including the highly publicized *U.S. v. Nosal* case, and best practices to secure company networks from attack from inside and outside.

Moderator

Robert Milligan

Speakers

Steve Lee, Steve Lee and Associates and Dennis Riordan, Counsel for David Nosal in U.S. v. Nosal

12:00 noon – 1:30 pm Literary Luncheon with author Sheldon Siegel (ticketed event \$50 pp)



All lawyers are frustrated writers. Well, not all. Some successful lawyers are successful writers too. Join us for lunch with attorney Sheldon Siegel, the *New York Times* bestselling author of seven courtroom dramas

featuring San Francisco criminal defense attorneys Mike Daley and Rosie Fernandez, and the thriller novel, *The Terrorist Next Door*, featuring Chicago homicide detectives David Gold and A.C. Battle. Sheldon will tell us how he has managed to be both a bestselling author and a high-powered lawyer at Sheppard Mullin Richter & Hampton LLP. Sheldon will also discuss how technology and IP have transformed the publishing industry.

**1:45 pm – 3:00 pm General Session
The World of College Athletics and Their Intellectual Property**

(1.25 Hours of CLE Credit)

NCAA member institutions have a multitude of intellectual property issues: televisions rights agreements, protection and licensing of names and logos, restrictions on athlete name and likeness use, and the current litigation involving video games. Our panel will share their experience in dealing with the intricacies of these sometimes-competing interests.

Moderator

Maidie Oliveau, Counsel Arent Fox, LLP

Speakers

Karen Brodtkin, Executive Vice President, Business and Legal Affairs, FOX Sports Media Group; Woodie Dixon, General Counsel & SVP Business Affairs, Pac-12 Conference; Ron Katz, Partner, Manatt, Phelps & Phillips, LLP; and Kelli Sager, Partner, Davis Wright Tremaine

3:15 pm- 4:15 pm Concurrent Sessions

**[11] Copyrights or Copywrongs:
Is the Current System Working?**

(1 Hour of CLE Credit)

The rapid advance of technology has made the Copyright Act, drafted years ago in an analog era, a difficult fit for digital times. Technology companies and Internet-savvy individuals are pushing the envelope of copyright law. Content holders, including so called “trolls”, are digging in and fighting back. Can we ever get along? And do we need to?

Moderator

George M. Borkowski, Freeman Freeman & Smiley, LLP

Speakers

Art Neil, New Media Rights; Gill Sperlein, Law Offices of Gill Sperlein; Karen Thorland, Senior Vice President Global Content Protection Counsel MPAA and Mitch Stoltz, Electronic Frontier Foundation

[12] Universities in the Patent System

(1 Hour of CLE Credit)

Our panel of experts will address strategies used by public and private California universities to protect and leverage patents. They will discuss strategies for procuring patents, examples of special licensing & enforcement issues and best practices for attorneys working with universities. They will illustrate the big picture – how the university uses the patent system to serve the public.

Moderator

Karen Canady, Canady + Lortz

Speakers

Peter Lee, Professor of Law and Chancellor's Fellow UC Davis School of Law; Kirsten Leute, Senior Associate, Stanford University OTL; and Kathleen McCowin, MS JD, Licensing Officer, University of California, Berkeley

6:00 pm – 9:00 pm Vanguard Dinner

(Ticketed event \$95 pp) Honoring leaders at the forefront of Intellectual Property



Saturday, November 9, 2013

7:00 am – 11:45 am
Registration and Exhibits

8:00 am – 9:30 am
General Session Keynote Breakfast

Unscrambling the Business of Creativity, Technology, Intellectual Property, Art and Entertainment: A Personal Perspective

(1.00 Hour of CLE Credit)

In the digital age, high tech businesses allow consumers to create their own world of arts and entertainment. However, this new creativity is governed by old IP laws, resulting in previously unimagined legal and business challenges. Perhaps no company better reflects the clash between new technology and old regulation than Electronic Arts. Join Bryan Neider, Senior Vice President and Chief Operating Officer of EA Labels, for breakfast, as he discusses the



challenge of running one of the world's most successful entertainment companies today.

Keynote Speaker

Bryan Neider, Senior Vice President, Chief Operating Officer, EA Labels

9:45 am -10:45 am Concurrent Sessions

[13] The Federal Circuit Year in Review

(1 Hour of CLE Credit)

This session will do just what the title says. Professor Mark Lemley, Vanguard Award pioneer from Stanford Law School, will help patent practitioners understand last year's most important Federal Circuit cases and their potential implications.

Speaker

Mark A. Lemley, William H. Neukom Professor of Law, Stanford Law School

[14] Leaving Nothing to Chance: Contests and Sweepstakes in the Age of Social Media
(1 Hour of CLE Credit)

The viral nature of social media has changed the way companies run their promotions. From privacy issues, to brand tarnishment, to technology glitches, the advent of social media has created the opportunity for terrific success and epic failure. This session will introduce new social media outlets, summarize the latest social media promotion tactics, discuss the pitfalls of social media, and explore what lawyers and marketers have learned from their mistakes.

Speaker

Tsan Abrahamson, Cobalt LLP

10:45 am – 12:00 noon General Session
Privacy: Get over it. Know who is Looking over Your Shoulder and Why.
(1.25 Hours of CLE Credit)

Hackers, tracking cookies, behavioral profiling, identity theft and data mining create previously non-existent threats for all of us. This program will help us make sense of it. Panelists will discuss the most important federal and state privacy statutes, the hottest areas, controversies, and trends in privacy law, how to protect clients from a data breach and what to do if they become victims of privacy violations.

Speakers

George M. Borkowski, Partner, Freeman, Freeman & Smiley, LLP; Karl M. Manhein, Professor of Law, Loyola Law School; and Jason Smolanoff, Vice President, Stroz Friedberg

CAL vs. USC Game

Time: TBD/PM (at press time game time was not announced or published)

Experience all the hard hits and pulse-pounding action as the Cal Bears and USC take the field at Memorial Stadium for another exciting season. Seats are located in the VIP section of the stadium.

Enjoy an exciting day of college football. Pre and/or Post game party to be announced.

For more information call 415-538-2393



HOTEL & REGISTRATION INFORMATION

Hotel Reservations at Claremont Resort & Spa

We have reserved a limited block of sleeping rooms at Claremont Resort & Spa, 41 Tunnel Road, Berkeley, CA 94705.

Please contact the hotel directly at 800-551-7266 to make your reservation and identify yourself as part of the State Bar of California Intellectual Property Institute to obtain the special rate of \$219 single/double plus occupancy tax per night.

Please make your room reservation by October 11, 2013. Reservations made after the October 11, 2013 deadline will be made on a space available basis at the confirmed group rate.

How To Register

3 Ways to Register! (Please keep a copy of your forms)

1. Online: Register online at <http://ipsection.calbar.ca.gov>

2. Fax: Complete the registration and course selector forms and fax to: Program Registrations at (415) 538-2368. Credit card payments only.
Do not mail original form if faxing.

3. Mail: Complete the registration and course selector forms and mail to: Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

REGISTRATION DEADLINE: NOVEMBER 2, 2013

Special Assistance:

Please call (415) 538-2393 for special assistance.

Information:

For more information, please call the Intellectual Property Law Section at (415) 538-2393.

For registration information, please call program registrations at (415) 538-2508

Registration Information:

The Intellectual Property Law Section welcomes all who are interested in Intellectual Property. You need not be a lawyer to attend, enjoy, and benefit from this program.

Registration Fees:

Registration fees include admission, up to 12.75 hours of CLE instruction, including 1.0 Legal Ethics, program materials, continental breakfast (Friday and Saturday), the Thursday evening Craft Beer Tasting/Welcome Reception. Tickets must be purchased separately (see Registration Form) for the Friday Literary Lunch, Vanguard Dinner and Saturday USC vs Cal game.

Cancellations:

All requests for refunds must be received in writing no later than November 2, 2013. Refunds will be issued less a \$50 non-refundable administrative cost. Refunds will not be available after November 2, 2013; however, registration substitutions are welcome.

Note: One registrant per form. Photocopies may be used.

Bar Number: _____

First/Last Name: _____

Firm: _____

Firm Address: _____

City, State: _____ Zip: _____

Phone Number: _____ Fax Number: _____

E-mail Address:* _____

* Required for email confirmation

☐ Check here if you do not want your information released.

Non-Attorney Spouse/Guest(s) Name: _____

Course Selector:

Please check the following programs you will attend.

Thursday, November 7, 2013

1:00 pm – 2:30 pm

- ☐ [1] Startups: Avoiding Common Pitfalls
- ☐ [2] Getting a Grip on Paperwork and Procedures in Post-AIA Practice
- ☐ [3] The Here and Now of Internet & Privacy Law

2:30 pm – 4:00 pm

- ☐ [4] Hot Topics in Trademark Law—A World Tour
- ☐ [5] Copyright Law: Recent Developments' and New Frontiers
- ☐ [6] Trade Secret of Trade Secrets

Friday, November 8, 2013

9:30 am – 10:30 am

- ☐ [7] The IP Section and the FTC Talk on PP and TOU
- ☐ [8] Multijurisdictional Ethics: Comparison of California and New USPTO Rules of Professional Responsibility

10:45 am – 11:45 am

- ☐ [9] Show Me the Money
- ☐ [10] Cybersecurity, the Computer Fraud and Abuse Act, and Trade Secrets

3:15 pm – 4:15 pm

- ☐ [11] Copyrights of Copywrongs: Is the Current System Working
- ☐ [12] Universities in the Patent System

Saturday, November 9, 2013

9:45 am – 10:45 am

- ☐ [13] The Federal Circuit Year In Review
- ☐ [14] Leaving Nothing to Chance: Contests and Sweepstakes in the Age of Social Media

REGISTRATION DEADLINE: NOVEMBER 2, 2013

Registration Fees:

- ☐ IP Section Members \$545
- ☐ Non-Members of the Intellectual Law Property Section \$620 (includes enrollment in the Intellectual Property Law Section for 2014)
- ☐ California Young Lawyers Association Members \$440
- ☐ Law School Faculty/Paralegal/ Government/Non-Profit \$225
- ☐ Law Student \$150

Subtotal of Registration Fee = \$ _____

Ticketed Events:

- ☐ Thursday IP & IPA ☐ yes ☐ no
- Thursday Craft Beer Tasting Reception ____ (#party) FREE
- ☐ Friday Literary Luncheon ____ @\$50 = \$ ____
- ☐ Friday VG Dinner ____ @\$95 = \$ ____
- ☐ Saturday CAL vs. USC Game ____ @\$70 = \$ ____

Subtotal of Special Event Fee = \$ _____

Vanguard Awards Dinner Only:

- ☐ Per Person -- \$95 \$ ____
- ☐ Additional Dinners -- \$95 \$ ____
- ☐ Table for Eight -- \$750 \$ ____

TOTAL AMOUNT ENCLOSED

OR TO BE CHARGED \$ _____

Payment Method:

Registration fees may be paid by check, VISA or MasterCard. No other credit cards will be accepted. Make checks payable to The State Bar of California.

- ☐ VISA ☐ MasterCard

Account Number: _____

Expiration Date: _____

Cardholder's Name: _____

Cardholder's Signature: _____

The State Bar of California

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October 11, 2013
Registration Deadline
November 2, 2013



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Hotel Deadline: October 11, 2013

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12.75 Hours of CLE includes 1.00 Legal Ethics

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